



13281 U.S. PTO

SHERIDAN NEIMARK
ROGER L. BROWDYANNE M. KORNBAU
NORMAN J. LATKER
DIANA MICHELLE SOBO
AOI NAWASHIROOF COUNSEL
IVER P. COOPER
JAY M. FINKELSTEIN

BROWDY AND NEIMARK, P.L.L.C.

ATTORNEYS AT LAW
PATENT AND TRADEMARK CAUSESSUITE 300
624 NINTH STREET, N.W.
WASHINGTON, D. C. 20001-5303TELEPHONE (202)-628-5197
October 31, 2003

ALVIN BROWDY (1917-1998)

PATENT AGENT
ALLEN C. YUN, PH.D.
TELECOPIER FACSIMILE
(202) 737-3528
(202) 393-1012E-MAIL
mail@browdyneimark.com19270 U.S. PTO
10/697978Hon. Commissioner for Patents
Box Patent Appln
Washington, D.C. 20231

Re: Continuation of Application No. 09/966,729
 Applicant(s): Atsushi KIKUCHI et al
 Title: MULTI-LAYERED PREFORM AND MULTI-LAYERED BOTTLE
 MANUFACTURED BY USING THE SAME
 Atty's Docket: KIKUCHI =4A

Sir:

Attached herewith is the above-identified continuation application for Letters Patent including:

- ☒ Specification (30 pages), claims (5 pages) and abstract (1 page)
☒ 4 Sheets Drawings (Figures 1-5)
☒ Formal ☐ Informal
☒ Declaration and Power of Attorney (2 page(s))
☐ Newly executed ☒ Copy from prior application no. 09/966,729
☐ Application Data Sheet (2 pages)
☐ Preliminary Amendment
☐ Information Disclosure Statement with ___ references
☐ Small entity status is claimed.
☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 770.00, to cover the filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 770.00
TOTAL CLAIMS	11- 20	= 0	x 18	--
INDEPENDENT CLAIMS	3- 3	= 0	x 86	--
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 290	--
<input type="checkbox"/> Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$ 770.00

☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 86	
<input type="checkbox"/> Multiple Dependent Claim Presented				+ 290	
<input type="checkbox"/> Reduction by 1/2 for Small Entity					
Total Additional Fee =					

☐ Other Fees: _____.

☐ Other Attachments: _____.

☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☐ The benefit under 35 USC §119 is claimed of the filing date of:
Application No. 2000-298059 in Japan on September 29, 2000. A certified copy of said priority document was filed in the file of parent application 09/966,729 on February 4, 2002.
- ☒ The present application is a Continuation of prior Application No. 09/966,729.
- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of _____, who is/are not inventor(s) in the present divisional application.
- ☒ The prior application was assigned to: TOYO SEIKAN KAISHA, LTD.
of: 3-1, Uchisaiwaicho 1-chome, Chiyoda-ku, Tokyo 100-8522 Japan
- ☐ Amend the specification by inserting before the first line the sentence:
--This is a continuation of copending parent application Serial No. _____, nationalized _____, of which the international application _____ was filed _____.
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 09/966,729, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO/SB/08A listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 09/966,729, please associate the present application with Customer No. 001444 and recognize only the practitioners associated therewith.
- ☐ A verified statement claiming small entity status is enclosed in progenitor application no. _____, filed _____. Status is still proper and desired.

- ☐ The undersigned attorney of record hereby revokes the powers of attorney of:
- ☐ The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Sheridan Neimark

Registration No. 20,520

SN:jaa

G:\bn\o\ohta\kikuchi4a\pto\ApplnContinuation.doc